

# EXHIBIT 16

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

\*\*\*\*\*

\*\*\*\*\*

10701 Corporate Drive \*\*\* Suite 172 \*\* Stafford, Texas 77477  
281.565.8222

APPEARANCES

FOR THE PLAINTIFF:

Ms. Rochelle Owens  
Texas Bar No. 24048704  
Moore & Associates  
440 Louisiana Street, Suite 1110  
Houston, TX 77002-1055  
Telephone: 713.222.6775  
Email: rochelle@mooreandassociates.net

FOR THE DEFENDANTS:

Mr. Jason Contreras  
Texas Bar No. 24032093  
Texas Attorney General's Office  
P.O. Box 12548, Capitol Station  
Austin, TX 78711  
Telephone: 512.463.2120  
Email: jason.contreras@OAG.Texas.gov

INDEX

NOEL BALDOVINO

JANUARY 31, 2024

PAGE

Examination by Ms. Owens ..... 5

Signature Page ..... 23

Court Reporter's Certificate ..... 24

CINDIBENCHREPORTING.COM

4

## EXHIBITS

| EXHIBIT | DESCRIPTION                     | MARKED |
|---------|---------------------------------|--------|
| 1       | Notice of Deposition            | 6      |
| 2       | Noel Baldovino Formal Complaint | 13     |

1 NOEL BALDOVINO,  
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 Q (By Ms. Owens) Good afternoon,  
5 Mrs. Baldovino. I apologize for the major delay,  
6 but how are you today?

7 A I'm good, thank you.

8 Q Good, good. Can you state your full name  
9 for the record, please?

10 A Sure. It's Noel Baldovino.

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 Q Okay. Well, I'm not going to further that  
2 line of questioning.

3 A Okay. Thank you.

4 Q Sure. So, you've been deposed one time.  
5 And today I'm going to depose you, and you're here  
6 as a result of receiving information that there's  
7 been a notice of deposition regarding your  
8 deposition today. Is that correct?

9 A Correct.

10 (Exhibit No. 1 was marked)

11 Q Okay. And are you able to see the  
12 document in front of you?

13 A I am.

14 Q Okay. And it states Plaintiff's Notice of  
15 Deposition of Noel Baldovino, and it provides the  
16 date of the deposition and the location of the  
17 deposition. Do you see that?

18 A I do.

19 Q Okay. All right. Have you taken any  
20 medications in the last 24 hours, including  
21 over-the-counter or prescription, that would prevent  
22 you from being able to recall facts in this matter?

23 A No.

24 Q Okay. And do you understand that I  
25 represent Dr. Carlos Gooden, who filed a lawsuit

1 against Defendants University of Houston Downtown  
2 and the University of Houston System?

3 A Yes.

4 Q And you understand that you're testifying  
5 under oath, similar to how you would testify in a  
6 court if this matter went to trial?

7 A Yes.

8 Q And if you provide false testimony, you  
9 could be held under penalty of perjury. Do you  
10 understand that?

11 A Yes.

12 Q And I'm sure Mr. Contreras has provided  
13 some ground rules on how to take depositions, but  
14 answers such as uh-huh and huh-uh, unfortunately,  
15 they don't transcribe very well, so I need  
16 affirmative answers from you. Can I get an  
17 agreement with you on the record?

18 A Yes.

19 Q And I may ask a bad question from time to  
20 time, and if and when I do, please tell me, so that  
21 I can reask the question. Okay?

22 A Okay.

23 Q Now, I understand that you know, or you  
24 have an idea of where I may be going with a  
25 question, but in order to ensure that the record is



1 clear and clean, I need you to wait until I finish  
2 asking my question. Then, of course, you can answer  
3 the question. Okay?

4 A Okay.

5 Q If you need to take a break at any time,  
6 of course, you can. I just ask that if there is a  
7 question that is pending on the table, that you  
8 answer the question. Then, of course, afterwards  
9 you can take your break. You understand?

10 A Yes.

11 Q If you answer a question, I will assume  
12 you understood the question. And so that is why my  
13 goal for you today is so that you understand my  
14 questions. Okay?

15 A Okay.

16 Q All right. With that said, we can get  
17 started. Where do you currently reside?

18 A At 515 Bishop Street in Houston.

19 Q Okay. Have you ever been convicted of a  
20 crime?

21 A No.

22 Q Have you ever been arrested for one?

23 A No.

24 Q Are you a native Texan?

25 A I am.

1 Q Are you married?

2 A No.

3 Q Do you have any children?

4 A Yes.

5 Q How many children do you have?

6 A I have one.

7 Q Okay. Who is your current employer?

8 A The University of Houston Downtown.

9 Q Okay. What is your position with the  
10 University of Houston Downtown?

11 A I'm a marketing manager.

12 Q Okay. When did you first begin working  
13 for the University of Houston Downtown?

14 A July 19, 2021.

15 Q All right. And is the marketing manager  
16 role, is that the only position that you've had  
17 within UHD?

18 A Yes.

19 Q All right. Do you have a college degree?

20 A I do.

21 Q What do you have a college degree in?

22 A I have a Bachelor of Administration in  
23 Marketing.

24 Q Prior to working for UHD, what was your  
25 previous employment?

1           A     I was a district director for a State  
2 representative.

3           Q     And how long were you the district  
4 director for the State representative?

5           A     I believe nine months, total.

6           Q     Okay. What was the name of the State  
7 representative?

8           A     State Representative Penny Morales Shaw.

9           Q     Okay. And prior to working for Ms. Penny  
10 Morales Shaw, where were you employed at?

11          A     I worked on her campaign before I worked  
12 for her with the State of Texas.

13          Q     Okay. And prior to working on her  
14 campaign with the State of Texas, where were you  
15 employed?

16          A     Oh, gosh. I worked for -- I did contract  
17 work for a friend of mine. I was doing recruiting,  
18 contract recruiting. I can't recall the name of the  
19 company now.

20          Q     Okay. Do you know how long you worked,  
21 that you performed contract work in recruiting?

22          A     It was probably six or seven months.

23          Q     Okay.

24          A     Uh-huh, that I can remember.

25          Q     All right. Prior to contract work in

1 recruiting, did you work for a particular entity or  
2 a company?

3 A Yes. I worked for Cornerstone Home  
4 Lending.

5 Q Okay. What years did you work for  
6 Cornerstone Home Lending?

7 A I worked for them at two different times.  
8 So, one of the times was I think between like 2009  
9 or 2008 and 2011, and then again from 2015 until I  
10 want to say '17 or '18, 2017 or '18, around that  
11 time.

12 Q Okay. During the time that you worked  
13 between the years of 2008 and the present, did you  
14 ever participate in any investigation for  
15 discrimination for maybe harassment, hostile work  
16 environment, sexual harassment, anything of the  
17 sort?

18 A Not that I can recall, no.

19 Q Okay. All right. Ms. Noel Baldovino,  
20 does this document look familiar to you?

21 A Can you --

22 MR. CONTRERAS: You can ask her to scroll  
23 up or down.

24 THE WITNESS: Yeah.

25 Q (By Ms. Owens) Do you need me to enlarge

1 it?

2 A No. I just -- can you scroll down a  
3 little bit more?

4 Q Sure. (Complying.)

5 A Yes. I'm familiar with this document,  
6 uh-huh.

7 Q Okay. All right.

8 A Yes.

9 Q So, did you file a formal complaint with  
10 the Office of Title IX Equal Opportunity Services  
11 office on June 6, 2022?

12 A Yes.

13 Q Okay. And this is a copy of the formal  
14 complaint that you filed?

15 A It looks to be like one, yes.

16 Q Okay. What prompted you to file your  
17 formal complaint?

18 A I was counseled by Lauri Ruiz in the Title  
19 IX office.

20 Q Okay.

21 A Uh-huh.

22 Q All right. And who was your formal  
23 complaint filed against?

24 A The Dean of the College of Business,  
25 Marilyn Davies College of Business, Dr. Gengler.

1 Q Okay. Dean Charles Gengler?

2 A Correct.

3 Q Okay. And I will let you review the facts  
4 section, the "explain the nature of your complaint"  
5 section. I'll let you review that, okay?

6 A Okay. (Reading.) Can you please scroll,  
7 so that I can see the rest of it?

8 Q Sure. (Complying.)

9 A Okay. (Reading.) Okay.

10 Q All right. On May 19th, is this what --  
11 May 19th, 2022, is this what occurred to you with  
12 respect to Dean Gengler?

13 A Yes, that's -- I honestly don't remember  
14 the exact date, because it's been a while, but this  
15 is what I remember occurring that evening.

16 Q Okay. All right. So, I'm going to move  
17 up.

18 A Okay.

19 (Exhibit No. 2 was marked)

20 Q This is Exhibit 2, and it states,  
21 "Incident Information," date of incident, May 19,  
22 2022, location of incident, Discovery Green. Do you  
23 have any reason to dispute the date of the incident  
24 or the location of the incident?

25 A No.

1 Q Okay. Let's talk about Dean Charles  
2 Gengler. Did Dean Gengler make you feel  
3 uncomfortable on May 19th, 2022?

4 A Yes.

5 Q Did your co-workers communicate to you  
6 that they felt uncomfortable with Dean Gengler  
7 regarding the incident that occurred on May 19th,  
8 2022?

9 A When you say co-workers, who are you  
10 referring to?

11 Q Sure. So, there's an area here that  
12 states, "I told my manager, Toye Simmons what  
13 occurred. The two other ladies who were with me  
14 also heard." So, that's why I asked.

15 A Understood. I -- I'm not sure.

16 Q Okay. All right. In the incident section  
17 where you're specifically discussing what occurred,  
18 it refers to a Critical Race Theory joke where Dr.  
19 -- or Dean Gengler was about to tell the joke, and  
20 you decided to walk away.

21 A Correct.

22 Q Okay. He says, "I have jokes that I make  
23 up. I tell them to folks to see if they are funny.  
24 Would y'all like to hear some of my jokes?" You  
25 said, "I said nothing. I'm not sure what the other

1 ladies said. He then proceeded to say, 'I have some  
2 jokes on Critical Race Theory that I'd like to tell  
3 you all.' At that, I turned and left." You see  
4 that section?

5 A I do.

6 Q Okay. Do your co-workers communicate to  
7 you that Dean Gengler told them the Critical Race  
8 Theory joke as you walked away from him?

9 A No.

10 Q Okay.

11 A They did not.

12 Q Did you meet with anyone at the Office of  
13 Title IX Equal Opportunity Services prior to filing  
14 your formal complaint?

15 A I can't recall. I -- I can't recall what  
16 the timeline was of those events.

17 Q Okay. Do you recall having any  
18 conversations with Mrs. Lauri Ruiz?

19 A Yes.

20 Q Okay.

21 A Uh-huh.

22 Q Did you have any conversations with her  
23 prior to filing the formal complaint?

24 A As I mentioned, I don't -- I don't recall.

25 Q Okay. How did you forward the formal



1 complaint to the Title IX Equal Opportunity Services  
2 office?

3 A When you say how did I turn -- how did I  
4 turn it in?

5 Q Yes, ma'am.

6 A I e-mailed it to them.

7 Q Okay. And after you e-mailed it to them,  
8 did you have any meetings with anyone regarding your  
9 formal complaint?

10 A I believe so.

11 Q Okay. Who did you meet with?

12 A I believe I met with Lauri again. She was  
13 checking in with me to see how I was doing.

14 Q Okay. Other than her checking in to see  
15 how you were doing, what was the other -- were there  
16 any other purposes of this conversation with Ms.  
17 Ruiz?

18 A Not that I can recall.

19 Q Okay. After you filed your formal  
20 complaint, did anyone follow up with you besides  
21 Mrs. Lauri Ruiz regarding the complaint?

22 A Yes.

23 Q Okay. Who was that?

24 A My direct manager, Toye Simmons.

25 Q Okay. And what did you discuss with

1 Mrs. Toye Simmons?

2 A Again, Toye was asking me sort of the same  
3 thing that Lauri was. They wanted to know how I was  
4 doing, and I was reassured by Toye that I wouldn't  
5 have to work with Dr. Engler (sic) -- excuse me, I  
6 wouldn't have to work with Dr. Gengler going  
7 forward, moving forward.

8 Q Okay. Were you placed on a no-contact  
9 status with Dean Gengler? Did you receive some  
10 document that states, you know, you're not supposed  
11 to go near Dean Gengler, and Dean Gengler's not  
12 supposed to go near you?

13 A Not that I can recall.

14 Q Okay. After you filed your formal  
15 complaint, did you ever receive a copy of Dean  
16 Gengler's response to your complaint?

17 A I did.

18 Q Okay. And what is your understanding of  
19 Dean Gengler's response to your complaint?

20 MR. CONTRERAS: Objection, calls for  
21 speculation, lacks foundation.

22 Q (By Ms. Owens) Okay. You can answer the  
23 question.

24 MR. CONTRERAS: If you know.

25 A Honestly, I can't remember. I -- what I

1 remember is getting a lot of pages that were -- most  
2 of it had been redacted. It was like -- like  
3 Sharpie all over the entire page. That's what I  
4 remember.

5 Q Okay. All right. Was that a preliminary  
6 report of some sort, or was that Dean Gengler's  
7 actual response to your formal complaint?

8 A I don't recall.

9 Q Okay. All right. Do you know the  
10 disposition of your formal complaint? In other  
11 words, how did it resolve?

12 A Yes.

13 Q Okay. What was the disposition of your  
14 formal complaint?

15 A When you say disposition, are you -- are  
16 you asking how it -- like what the outcome was?

17 Q Yes, ma'am.

18 A The outcome for both, like, the incidents  
19 were separated out between the one with the double D  
20 and triple D comment and then the Critical Race  
21 Theory comment. So, they were both said to be  
22 substantiated.

23 Q Okay. Have you heard of any other  
24 complaints from other employees regarding Dean  
25 Gengler?

1           A     I -- I can't recall at this time ever  
2     having heard about any other complaints.

3           Q     Okay. All right. Did you receive a  
4     document that the first page looks sort of like  
5     this, or something like this?

6           A     I may have.

7           Q     Okay. What were the names of your  
8     co-workers that heard Dean Gengler along with you?

9           A     Honestly, I can't recall their names.

10          Q     Okay. Do you know if you still work with  
11     these individuals?

12          A     I do not work directly with them.

13          Q     Okay. Were you ever put on notice that  
14     Dean Gengler was placed on administrative leave?

15          A     I believe so.

16          Q     Okay. How did you learn that information?

17          A     That I can recall, that information came  
18     from my direct manager, Toye Simmons.

19          Q     Did you ever learn that Dean Gengler  
20     resigned from the UHD?

21          A     Yes.

22          Q     Okay. When did you learn that?

23          A     I can't recall. It was probably around  
24     the time that I was working on a project for  
25     commencement.

1 Q Okay. And how did you learn? How did you  
2 learn that Dean Gengler had resigned?

3 A I, as part of that project, have to list  
4 information from the colleges, and when I was  
5 compiling that information is when I learned that he  
6 was no longer with the university.

7 Q Okay. And when were you working on this  
8 project?

9 A I work -- specifically, that project would  
10 have been fall, that fall. So, June, July, August,  
11 September -- probably October-November time frame.

12 Q Of 2020 what? The same -- '22. So, after  
13 the incident, the following fall?

14 A Correct.

15 Q Did anyone ever report to you that -- or  
16 did anyone ever tell you, like a co-worker tell you  
17 that Dean Gengler had made some inappropriate sexual  
18 related comments to him? Did a male co-worker tell  
19 you that?

20 A Yes.

21 Q Okay. This male co-worker, did he tell  
22 you that Dean Gengler had offered him numbers for  
23 Asian women or prostitutes?

24 A Yes.

25 Q What is the name of your co-worker that

1 told you that?

2 A Michael Manuel.

3 Q Where were you when Michael Manuel told  
4 you this?

5 A Discovery Green.

6 Q Okay. Other than Michael Manuel telling  
7 you this, did anyone else at Discovery Green tell  
8 you what Dean Gengler had stated to them?

9 A No.

10 Q Ms. Baldovino, have you understood my  
11 questions today?

12 A Yes.

13 Q All right. Thank you for your time.

14 MS. OWENS: I pass the witness.

15 MR. CONTRERAS: Defendants will reserve  
16 their questions until the time of trial.

17 THE REPORTER: Mr. Contreras, would you  
18 like a copy of this transcript?

19 MR. CONTRERAS: Yes, please. Same set-up  
20 as with Ms. Ruiz's depo transcript.

21 THE REPORTER: All right. Thank you.

22 MS. OWENS: Ms. Baldovino, thank you for  
23 your time.

24 THE WITNESS: Thank you.

25 \* \* \* \* \*

CINDIBENCHREPORTING.COM

22

|    |                       |      |        |        |
|----|-----------------------|------|--------|--------|
| 1  | CHANGES AND SIGNATURE |      |        |        |
| 2  | PAGE                  | LINE | CHANGE | REASON |
| 3  |                       |      |        |        |
| 4  |                       |      |        |        |
| 5  |                       |      |        |        |
| 6  |                       |      |        |        |
| 7  |                       |      |        |        |
| 8  |                       |      |        |        |
| 9  |                       |      |        |        |
| 10 |                       |      |        |        |
| 11 |                       |      |        |        |
| 12 |                       |      |        |        |
| 13 |                       |      |        |        |
| 14 |                       |      |        |        |
| 15 |                       |      |        |        |
| 16 |                       |      |        |        |
| 17 |                       |      |        |        |
| 18 |                       |      |        |        |
| 19 |                       |      |        |        |
| 20 |                       |      |        |        |
| 21 |                       |      |        |        |
| 22 |                       |      |        |        |
| 23 |                       |      |        |        |
| 24 |                       |      |        |        |
| 25 |                       |      |        |        |

1 I declare under penalty of perjury that the  
2 foregoing is true and correct.

3 \_\_\_\_\_  
4 NOEL BALDOVINO

5 SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned  
6 authority, by the witness, NOEL BALDOVINO, on this, the  
7 \_\_\_\_ day of \_\_\_\_\_, 2024.

8  
9 \_\_\_\_\_  
10 NOTARY PUBLIC IN AND FOR  
11 THE STATE OF

12 My Commission expires: \_\_\_\_\_  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CARLOS GOODEN, PH.D. )  
VS. ) Civil Action No.  
THE UNIVERSITY OF HOUSTON ) 4:23-cv-01987  
SYSTEM AND THE UNIVERSITY )  
OF HOUSTON DOWNTOWN )

\*\*\*\*\*

REPORTER'S CERTIFICATION OF THE  
VIDEOCONFERENCING DEPOSITION OF

NOEL BALDOVINO

JANUARY 31, 2024

(REPORTED REMOTELY)

\*\*\*\*\*

I, Karen Romeo Rothman, Certified Shorthand  
Reporter in and for the State of Texas, hereby  
certify to the following:

That the witness, NOEL BALDOVINO, was duly  
sworn by the officer remotely and that the  
transcript of the videoconferencing deposition is a  
true record of the testimony given by the witness;

I further certify that, pursuant to FRCP Rule  
30(f)(i), that the signature of the deponent:

\_xx\_ Was requested by the deponent or a party  
before the completion of the deposition and that the

signature is to be before any notary public and returned within 30 days from the date of receipt of the transcript. If returned, the attached Changes and Signature Page contains any changes and the reasons therefor;

\_\_\_\_\_ Was not requested by the deponent or a party before the completion of the deposition.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me on this, the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Karen Romeo Rothman, CSR, CRR  
Texas CSR 1510  
Expiration: 02/28/25  
CINDI BENCH REPORTING  
10701 Corporate Drive, Ste. 172  
Stafford, Texas 77477  
281.565.8222 Fax: 281.565.8220  
Firm Registration No. 56

1 COUNTY OF FORT BEND )

2 STATE OF TEXAS )

3 I hereby certify that the witness was notified on  
 4 \_\_\_\_\_; that the witness had 30 days (or \_\_\_\_\_ days  
 by agreement of counsel) after being notified by the  
 officer that the transcript is available for review by  
 5 the witness, and if there are changes in the form or  
 substance to be made, then the witness shall sign a  
 6 statement reciting such changes and the reasons given by  
 the witness for making them;

7 That the witness' signature was/was not returned as  
 8 of \_\_\_\_\_.

9 That a copy of this certificate was served on all  
 parties and/or the witness shown here in on  
 10 \_\_\_\_\_;

11 That the original deposition was delivered to  
 12 \_\_\_\_\_;

13 I further certify that I am neither attorney or  
 counsel for, related to, nor employed by any parties to  
 14 the action in which this testimony is taken and, further,  
 that I am not a relative or employee of any counsel  
 15 employed by the parties hereto or financially interested  
 in the action.

16  
 17 SUBSCRIBED AND SWORN TO under my hand and seal of  
 18 office on this, the \_\_\_\_\_ day of \_\_\_\_\_,  
 19 2024.

20  
 21 \_\_\_\_\_  
 Karen Romeo Rothman, CSR, CRR  
 Texas CSR 1510  
 Expiration: 2/28/25  
 22 CINDI BENCH REPORTING  
 10701 Corporate Drive, #172  
 23 Stafford, TX 77477  
 281.565.8222  
 24 Firm Registration No. 56  
 25